

III. REMARKS

In the Office Action, the examiner stated that prosecution of this application is reopened in view of the previously filed appeal brief. As required by the examiner, Applicant is filing this response to the Office Action under 37 CFR 1.111.

In the Office Action, Claims 1-9, 13, 16 and 19 were rejected under 35 U.S.C. 103 as being unpatentable over Blanc (US 6661777) in view of Malkamaki (US 5577024) for reasons set forth in the Action.

Claims 10-12, 14-15, and 17-18 were said to have allowable subject matter.

Each of the independent claims 1, 16 and 19 is amended to distinguish the claimed subject matter from the teachings of the cited art, thereby to overcome the rejections under 35 U.S.C. and to provide allowable subject matter in the amended claims. The amended independent claims, as well as their respective dependent claims, are believed to be allowable in view of the following argument. New claims 20-22 are presented for further definition of the invention, and are believed to be allowable in view of the following argument.

The amended claims teach the feature of conveying feedback, related to a dedicated channel, on a non-dedicated signaling channel. More specifically, the amendment relates to the use of a piece of radio communication capacity, which is allocated to a non-dedicated fast signalling channel, for conveying fast signalling messages that carry feedback concerning an ongoing communication on a dedicated communication channel.

With respect to the rejections based on the combination of the teachings of Blanc with Malkamaki, an important difference between the teaching of Malkamaki and the claimed subject matter is that the present claims recite a non-dedicated fast signaling channel as a "return channel" for the purposes of giving feedback about an ongoing other

connection (Page 4 at lines 27-29). This is found in the present amendatory language, which states "that carry feedback concerning an ongoing communication on a dedicated communication channel". Prior-art references to non-dedicated signaling (including the teachings of Malkamaki) only associate non-dedicated signaling with a state of communications where no dedicated allocations exist.

In other words, in the framework of the claimed subject matter, there is a close logical association with a dedicated channel in one direction and a non-dedicated signaling channel in the other direction. However, in cited prior art, all non-dedicated signaling channels come completely without any associations to any other, existing, dedicated channels. The amendatory language provides sufficient basis for distinguishing the claimed subject matter from the cited art to support the foregoing argument.

The following additional argument is noted also. In Malkamaki (Col. 1 at lines 29-32, Col. 2 at lines 2-7 45-60, and Col. 6 at lines 20-26), there is recognition of the use of an acknowledgment channel to signal the presence of a successful transmission or the failure to attain a successful transmission. Malkamaki observes that such transmissions of an acknowledgment signal may be infrequent and that, therefore, there is an unnecessary wastage of channel capacity. Malkamaki provides a way by which numerous users of a communication system can employ the idle time of the acknowledgment channel without having collisions among their respective signal, this being accomplished by mutually distinguishable subchannels, as by making the respective signals orthogonal to each other.

Thus, the basic thrust of the Malkamaki teaching is to use spare time found in a dedicated channel (which happens to be dedicated to the transmission of acknowledgment signals) for other purposes.

In contrast, the present specification discusses a situation such as a GSM communication system (Page 1 at lines 26-29) wherein a data carrying channel is used

to convey signaling information. This is advantageous in a situation employing two antennas to give fast feedback (page 2 at lines 19-27). This can be accomplished (page 3, beginning at line 30, and page 4 at lines 16-21 and 27-29) by defining a generally non-dedicated piece of transmission capacity to serve as a fast signaling channel.

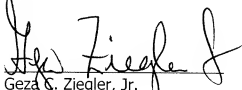
Thus, a feature in the teaching of the present specification is to employ a non-dedicated channel for a specific purpose, such as providing for a signaling in the reverse direction, as from a mobile station to a base station.

Upon comparing the two teachings of Malkamaki and the present specification, the two teachings appear to be directed in opposite directions, namely, Malkamaki tries to provide a non-signaling use for a dedicated channel, and the present specification tries to provide a signaling use for a non-dedicated channel. It is argued that, therefore, there can be no motivation to combine Malkamaki with Blanc, and that Malkamaki teaches away from the presently claimed subject matter.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for the additional claims (\$700.00) and for a one-month extension of time (\$120.00) as well as for any other fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,



Geza S. Ziegler, Jr.

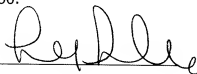
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12 September 2006
Date

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